

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee for the Trusts,

Plaintiff-Appellant,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its capacity as Receiver of
Washington Mutual Bank,

Defendant-Appellant,

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION and WASHINGTON
MUTUAL MORTGAGE SECURITIES
CORPORATION,

Defendants-Appellees.

Case No: 15-5322

Consolidated with No. 15-5326

D.D.C. No. 09-cv-1656-RMC

STATUS REPORT

Pursuant to this court's April 27, 2016 order in this case, the parties (the Federal Deposit Insurance Corporation, as receiver of Washington Mutual Bank, Deutsche Bank National Trust Company ("DBNTC"), JPMorgan Chase Bank, National Association, and Washington Mutual Mortgage Securities Corporation) are filing this status report and state as follows:

1. On April 15, 2016, the parties submitted a joint motion to hold this appeal in abeyance so as to provide the parties additional time to explore a negotiated resolution of this dispute.
2. On April 27, 2016, the Court granted the parties' joint motion to hold the appeal in abeyance pending further order of the Court. The Court directed the

parties to file status reports at 90-day intervals beginning July 26, 2016, and to file motions to govern future proceedings herein within 30 days of the conclusion of settlement proceedings.

3. On July 26, 2016, the parties submitted a status report, stating that settlement negotiations were ongoing.

4. On October 21, 2016, the parties submitted a status report stating that on August 19, 2016, the parties reached a negotiated settlement to resolve this case and several related disputes, but the settlement proceedings have not concluded because the parties' settlement is contingent upon successful completion of a separate state-court trustee instruction proceeding to be initiated by DBNTC to obtain judicial approval of its decision to accept and enter into the settlement agreement.

5. As described in the parties' January 18, 2017, status report, on December 12, 2016, DBNTC filed a separate state-court trustee instruction proceeding requesting judicial approval of its decision to accept and enter into the settlement agreement in the Superior Court of the State of California, County of Orange, Probate Division ("court"). *In the Matter of Certain Trusts Created, Sponsored, and/or Serviced by Washington Mutual Bank and Certain Subsidiaries or Affiliates*, (Case No. 30-2016-00892014-PR-TR-CJC). The court has scheduled a hearing on the Petition for May 9, 2017 at 9:00 a.m.

6. The parties await further developments in the trustee instruction proceeding. The Petition hearing remains on the court's schedule for May 9, 2017 at 9:00 a.m.

7. Pursuant to this Court's Order, the parties will file another status report within 90 days, or will file motions to govern future proceedings in this case within 30 days of the resolution of all remaining contingencies in the settlement agreement.

Dated: April 13, 2017
Washington, D.C.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2017, I electronically filed the foregoing motion with the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system, which will electronically notify participants in the case who are registered CM/ECF users including counsel hereinafter named:

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